

**Matter of Sullivan**  
**Del. Supr. No. 367, 1998 (4/1/99)**  
**Board Case Nos. 66, 69, 70, 71 and 126, 1997**

**Disciplinary Rules:** DLRPC 1.1, 1.3, 1.4(a), 1.4(b) and 8.4(c).

**Sanctions Imposed:** 18-month suspension.

John J. Sullivan, Jr. has been suspended from the Bar of the Delaware Supreme Court for a period of eighteen months, effective September 1, 1998, when Mr. Sullivan voluntarily ceased practicing law.

Prior to a hearing before the Board on Professional Responsibility ("Board"), Mr. Sullivan agreed that his conduct was in violation of Delaware Lawyers' Rules of Professional Conduct ("Rule") 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), Rule 1.1 (failure to provide competent legal representation), Rule 1.3 (lack of diligence), Rule 1.4(a) (failure to keep clients reasonably informed), and Rule 1.4(b) (failure to explain matters to permit a client to make informed decisions).

A hearing was conducted by the Board on January 27, 1999, solely to decide the issue of sanctions. Mr. Sullivan had stipulated to agreed facts and agreed violations in advance of the hearing. The Board recommended that Mr. Sullivan be suspended from the Bar for a period of eighteen months, effective September 1, 1998, when Mr. Sullivan voluntarily ceased practicing law. By Order dated April 1, 1999 the Delaware Supreme Court approved the Board's report and imposed the following disciplinary sanctions against Mr. Sullivan:

(1) Sullivan shall be prohibited and suspended from engaging in the practice of law as a member of the Delaware Bar for a period of eighteen months commencing September 1, 1998, when Sullivan voluntarily ceased practicing law.

(2) During the suspension period, Sullivan shall conduct no act directly or indirectly constituting the practice of law, including the sharing or receipt of any legal fees.

These sanctions arose out of several complaints to the Office of Disciplinary Counsel concerning Mr. Sullivan's conduct in the course of representing clients. In addition, several of the reports were made by Mr. Sullivan himself, consistent with his obligation to self-report misconduct. In several cases the complaints involved Mr. Sullivan's handling of

employment matters, including discrimination litigation and workers' compensation matters.

Mr. Sullivan's handling of Social Security claims and appeals were also at issue.

Many of the cases involved Mr. Sullivan's failure to make required filings on behalf of his clients, including the failure to file a complaint to initiate a lawsuit in an employment discrimination matter; the failure, on behalf of six clients, to file opening briefs in Superior Court appeals from IAB decisions; the failure to effect service of process on a defendant in an employment discrimination matter; and the failure, on behalf of two clients, to take the necessary steps to appeal from or request reconsideration of the denial of Social Security benefits.

Mr. Sullivan admitted, in one case, that he had made affirmative misrepresentations to his client, in that he had told the client that a discrimination action had been filed on her behalf when he had never filed that lawsuit. In addition, Mr. Sullivan told this client that a motion to dismiss had been filed by the defendant and then ruled on by the court. Finally, Mr. Sullivan made misrepresentations to his supervisor regarding his filing of the action and steps he had taken to protect the clients' interests. In connection with this matter, five separate counts of violations of Rule 8.4(c) were admitted.

In connection with the other matters, Mr. Sullivan admitted that he failed to keep his clients informed, failed to respond to inquiries from clients and lacked diligence in his handling of the matters, as well as failed to competently represent his clients. In total, Mr. Sullivan admitted to two violations of Rule 1.1, four violations of Rule 1.3, two violations of Rule 1.4(a) and two violations of Rule 1.4(b).

In aggravation, the Board considered Mr. Sullivan's prior disciplinary record, specifically, private sanctions imposed on three prior occasions for similar conduct; that there was a pattern of misconduct and multiple offenses were involved; and that the victims of Mr. Sullivan's conduct were vulnerable. In mitigation, the Board considered several factors, including the absence of a selfish or dishonest motive; that Mr. Sullivan was suffering from personal and emotional problems at the time of the misconduct and had

sought treatment which resulted in interim rehabilitation; that Mr. Sullivan made full and free disclosure to the ODC and cooperated during the proceedings with the ODC; and that Mr. Sullivan demonstrated remorse.

Mr. Sullivan has been a member of the Delaware bar since 1984.